12-18-03

Image RCE 1600

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "Express Mail Post Office to Addressee" service of the United States Postal Service (Express Mail Label No. EL 989436584 US) on the date shown below in an envelope addressed to the Commissioner of Patent & Trademarks, U.S. Patent and Trademark Office, Washington, D.C. 20231.



Dated: December 16, 2003

By: Sachiko Y. Snedden

Sachiko Y. Snedden

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

In re: PATENT APPLICATION of:

Inventor(s): Warren, et al.

Appln. No.: 09 | 813,383
Series Code ↑ | Serial No. ↑

Filed: March 20, 2001

Title: PEPTIDE SPECIFITY OF ANTI-MYELIN BASIC PROTEIN AND THE ADMINISTRATION OF MYELIN BASIC PROTEIN PEPTIDES TO MULTIPLE SCLEROSIS PATIENTS

Group Art Unit 1653

Examiner: Sheridan K. Snedden

Atty. Dkt. 098810-0278741 | C-M | Client Ref

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DO NOT USE FOR PROVISIONAL, DIVISIONAL, CIP OR DESIGN APPLICATIONS, OR REEXAMINATION OF PATENTS

Mail Stop RCE
Hon. Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: December 16, 2003

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER RULE 114

12/19/2003 MGEBREM1 00000018 502212 09813383

01 FC:2801 385.00 DA

Please continue the examination of this application.

PREREQUISITES

This application was filed on/after June 8, 1995, is not abandoned, and no court action has been filed, or if filed, it has been terminated.

An issue fee **has not been** paid (unless a petition under Rule 313(c)(2) is also being filed -- see item 4 below).

Pr secution has been closed as defined in Rule 114(b).

Reply to any outstanding action **must be enclosed or previously filed.**

12/19/2003 MGEBREM1 00000018 502212 09813383

02 FC:2253 475.00 DA

This application is entitled under Rule 114 to withdrawal of any outstanding finality or of any allowance plus a new action by the Examiner. Consideration on the merits of each submission (e.g., IDS, Amendment, new arguments, new evidence, but not appeal/reply briefs themselves) filed herewith is respectfully requested.

Please consider the following before the next Official Action:

1. Please ☐ enter ☐ do not enter the Amendment filed
2. ☒ The enclosed new Amendment
3. ☐ Consider the arguments in the appeal brief filed ___ and reply brief filed
4. ☐ The issue fee has been paid, but this RCE is based on Rule 313(c)(2). See enclosed petition.
5. ☐ The enclosed Information Disclosure Statement
 ☐ IDS Letter ☐ Cited Appln ☐ Foreign Search Report/OA
 ☐ PTO-1449 ☐ Cited Documents
6. ☐ Please suspend action under Rule 103(c) for a period of ___ months (3 mos. Max) for which charge the required $130 fee (fee code 1808) to our Deposit Account (see below).
7. Petition is hereby made to extend the **original** due date of to cover the date this Request is filed. **PLEASE CHARGE** the requisite fee to our Deposit Account (see below)

(1 mo)	$110/$55	
(2 mos)	$420/$210	$475
(3 mos)	$950/$475	

8. **PLEASE CHARGE** the Rule 17(e) (RCE) filing fee of ☐ $770 (lg. ent.) ☒ $385 (sm. ent.) plus any deficiency and any other fee due now or later to our Deposit Account No. 05-2212 under Order No. 098810 / 027 8741 (C# / M#)

NOTE: Rule 17(e) filing fee Cannot be deferred!
NO CLAIMS FEE REQUIRED unless you are adding claims by box 2 Amendment in which case cover this with PAT-120.

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Donna O. Perdue Reg. No. 51,166

Sig: _____

11682 El Camino Real
Suite 200
San Diego, CA 92130-2092
(619) 234-5000
Atty/Sec: DOP/SYS

Fax: (858) 509-4010
Tel: (858) 509-4093

NOTE: File this Request (plus enclosures, if any) in duplicate and with PTO receipt (PAT-103A)

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "Express Mail Post Office to Addressee" service of the United States Postal Service (Express Mail Label No. EL 989436584 US) on the date shown below in an envelope addressed to the Commissioner of Patent & Trademarks, U.S. Patent and Trademark Office, Washington, D.C. 20231.



Dated: December 16, 2003

By: Sachiko Y. Snedden

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Group Art Unit 1653

Inventor(s): Warren, et al.

Examiner: Sheridan K. Snedden

Appln. No.:	09	813,383
	Series Code ↑	Serial No. ↑

Atty. Dkt.	098810-0278741	
	C-M	Client Ref

Filed: March 20, 2001

Appln. Title: PEPTIDE SPECIFITY OF ANTI-MYELIN BASIC PROTEIN AND THE ADMINISTRATION OF MYELIN BASIC PROTEIN PEPTIDES TO MULTIPLE SCLEROSIS PATIENTS

Mail Stop Non-Fee Amendment
Hon. Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY/AMENDMENT/LETTER

Date: December 16, 2003

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim
A. ☐ NOT made
B. ☐ Withdrawn
C. ☐ made herewith
D. ☒ made previously

For B & C See Required Separate Paper (Pat-256)

	Claims remaining after amendment	Highest number previously paid for		Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	23	**minus	27	0	x $18/$9 =	+ $0	1202/2202
3. Independent Claims	2	***minus	3	0	x $86/$43 =	+ $0	1201/2201
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)					+ $290/$145 =	+ $0	1203/2203
5. Original due Date: September 17, 2003	☐ NONE						
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached	(1 mo) (2 mos) (3 mos) (4 mos) (5 mos)	$110/$55 = $420/$210 = $950/$475 = $1,480/$740= $2,010/$1,005=			+ $475		1251/2251 1252/2252 1253/2253 1254/2254 1255/2255
7. Enter any previous extension fee paid since above original due date and subtract					- $0		
8. Extension Fee						+ $475	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee					+ $110/$55	+ $0	1814/2814
10. If IDS attached requires Official Fee under Rule 97 (c), add or if Rule 97(d) Request add					+ $180 + $180	+ $0	1806 1806
11. After-Final Request Fee per rules 129(a) and 17(r)					+ $770/385	+ $0	1809/2809
12. No. of additional inventions for examination per Rule 129(b)					x $770/385 ea	+ $0	1810/2810
13. Request for Continued Examination (RCE)					+ $770/385	+ $385	1801/2801
14. Petition fee for						+ $0	
15. TOTAL FEE =						$860	

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

PLEASE CHARGE OUR DEP. ACCT

Our Deposit Account No. 50-2212)
(Our Order No. 098810 (C#) 027 8741 (M#)

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
Intellectual Property Group
By Atty: Donna O. Perdue Reg. No. 51,166
Sig: Fax: (858) 509-4010
Tel: **(858) 509-4093**

11682 El Camino Real
Suite 200
San Diego, CA 92130-2092
Tel: (619) 234-5000
Atty/Sec: DOP/SYS

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments

OIPE JC102 DEC 16 2003 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	Examiner: Sheridan K. Snedden
	)	
Warren, *et al.*	)	Art Unit: 1653
	)	
Serial No.: 09/813,383	)	
	)	
Filed: March 20, 2001	)	
	)	
Title: PEPTIDE SPECIFITY OF ANTI-MYELIN BASIC PROTEIN AND THE ADMINISTRATION OF MYELIN BASIC PROTEIN PEPTIDES TO MULTIPLE SCLEROSIS PATIENTS	)	

SUBMISSION UNDER 37 CFR §1.114(c)

AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner of Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action mailed June 17, 2003, and further in response to the Advisory Action mailed November 5, 2003, in the above-captioned patent application, please amend the subject application as requested below.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.